



MEMO ENDORSED

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July 8, 2021

BY ECF

Honorable Katherine Polk Failla
United States District Court
Southern District of New York
40 Foley Square
New York, New York 10007

Re: Michael Taylor v. City of New York, et al.
19 Civ. 6754 (KPF)

Your Honor:

I am a Senior Counsel in the Office of Georgia M. Pestana, Acting Corporation Counsel for the City of New York, and the attorney assigned to represent the defendants in the above-referenced matter. Defendants write to respectfully request a six-week extension of time, from July 15, 2021 to August 26, 2021, to serve and file their motion for summary judgment and corresponding extensions to the briefing schedule as detailed below. Plaintiff's counsel, Samuel C. DePaola, consents to the instant application, which is the first of its kind.

By way of background, this matter concerns plaintiff's August 31, 2016 arrest and subsequent prosecution. (Complaint, July 19, 2019, ECF No. 1.) Plaintiff brings purported claims, among others, of false arrest, malicious prosecution, and excessive force. (Compl.) Discovery in this matter closed on April 8, 2021. (See Order, Apr. 9, 2021, ECF No. 57.) On April 29, 2021, defendants wrote to the Court requesting a pre-motion conference for their anticipated summary judgment motion on all of plaintiff's claims. On May 4, 2021, that conference was held before Your Honor.¹ After an attempt by the parties to resolve this matter without motion practice, defendants wrote to the Court to propose the current briefing schedule, which the Court endorsed on June 4, 2021. (See ECF Nos. 59 & 60.) It was not until after the

¹ Pursuant to the Court's instructions at the May 4, 2021 conference, defendants have obtained a copy of the conference's minutes and can provide a copy to the Court at its request.

above that the undersigned was transferred to the instant case due to prior counsel's departure from the Office of the Corporation Counsel, and on July 2, 2021, the undersigned entered his appearance as counsel of record for the defendants. (See ECF No. 63.)

Defendants now request a six-week extension of time to serve and file their motion for summary judgment for several reasons. First, the undersigned requires time to become familiar with the case file as the undersigned only recently appeared in this matter. While normally, defendants would seek a shorter extension, in this case, however, the undersigned also has a trial in the matter of Michael Smith Baker v. Detective German, et al., 15 Civ. 7296 (KPF), which is scheduled to begin before Your Honor on July 27, 2021. As such, the undersigned requires time to prepare for that trial as well as for the trial itself, which will take time away from working on the motion for this matter.

For the foregoing reasons, defendants respectfully request that the Court extend their time to move for summary judgment by six weeks and amend the briefing schedule, as follows:

Defendants' motion due:	August 26, 2021
Plaintiff's Opposition due:	October 7, 2021
Defendants' Reply, if any, due:	October 21, 2021

Defendants thank the Court for its attention and consideration herein.

Respectfully submitted,



John L. Garcia
Senior Counsel
Special Federal Litigation Division

cc: All counsel of record

Application GRANTED. Defendants' moving papers shall be due on or by August 26, 2021; Plaintiff's opposition shall be due on or by October 7, 2021; and Defendants' reply shall be due by October 21, 2021. No further extensions will be granted.

Dated: July 8, 2021
New York, New York

SO ORDERED.



HON. KATHERINE POLK FAILLA
UNITED STATES DISTRICT JUDGE